



**Delaware Jockey's Health & Welfare Benefit Board  
Minutes of Public Hearing and Regular Meeting Held  
April 11, 2012**

The Delaware Jockey's Health & Welfare Benefit Board held a public hearing and regular meeting on Wednesday, April 11, 2012, at 9:15 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

<b>The following Board members were present:</b>
Edward J. Stegemeier, Chairman
Bernard J. Daney, Ex-Officio Member
Bessie Gruwell, DTHA, Executive Director Board Member
John Mooney, Delaware Racing Association Board Member
Heriberto Rivera, Jr., Jockey's Guild Board Member
<b>The following Board members were excused:</b>
Esteban S. Unsihuay, Delaware Jockey Board Member
Delaware Jockey Board Member – position currently vacant
<b>The following individuals also were present:</b>
Andrew Kerber, Esq., Deputy Attorney General, Board Counsel
John F. Wayne, DTRC, Executive Director
Robert E. Colton, Director, Delaware Jockey's Association
Eric Jones, retired jockey
Pete Lizarzaburu, retired jockey
Shelley Perkins, DTRC, Paralegal I (recording minutes)
Eleanor Schwandt, Wilcox & Fetzer, court reporter

1. **WELCOME AND CALL TO ORDER**

At 9:17 a.m., Chairman Stegemeier called the meeting to order and welcomed those in attendance. Chairman Stegemeier asked that all cell phones and personal devices be silenced and confirmed the audio recorder was on and that a digital recording of the meeting was underway.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Mooney) and seconded (Gruwell) minutes of January 11, 2012 were approved as submitted.

3. **OLD BUSINESS**

A. **REPORT FROM DELAWARE JOCKEY'S ASSOCIATION – Robert E. Colton, Director**

**Point 2: 2012 Year to Date Statements of Financial Costs**

**Written Report (from Mr. Colton):** *(Text inserted from Mr. Colton's report.)*

"The 2012 Projection of Costs is now projected to be between a cost of \$18,000.00 to a \$15,000.00 surplus. Splitting the high and low will place the Fund costs at zero. The sharp reduction in costs is due to seven members dropping out of the plan."

**Oral Report (from Mr. Colton):** Verbatim remarks from Mr. Colton.

*"Because of a significant number of riders dropping out of the plan we are now projected to break even and to possibly have a small surplus; it appears that many may have joined for the helmet/vest program and have paid through the end of the year. Financially, in very good shape. The excess on-track medical policy came in exactly as quoted that was a 36% increase and there is a point on the financials concerning that when you look at the schedule predictions and costs on the third page there's a high and a low and I apologize on the high projection down below – the scenario with the low projection actually was using a \$5 per mount fee so if we changed it that would add approximately \$20,000 to us depending on the number of mounts – right now I recommend not making any changes to the cost per mount since we are projected to have a slight excess."*

4. **NEW BUSINESS**

A. **Healthy Life Seminar Update: June 20, 2012 / Donate \$1,000**

Mr. Colton reported that the seminar will be held Wednesday, June 20, 2012, in the Rail Restaurant at White Clay Creek Country Club.

Mr. Colton recommended the board make a \$1,000.00 donation to the University of Delaware in the name of Professor Snider. Chairman Stegemeier called for a motion and upon a motion duly made (Mooney) and seconded (Gruwell) the motion to donate \$1,000.00 to the University of Delaware (Professor Snider) was approved.

B. **Board Design**

Mr. Colton recommended a change as to the determination of members eligible to sit on this board.

Executive Director Wayne reported that changes of that nature require a change to the statute. Commission Counsel Kerber agreed with Mr. Wayne's assertion. Mr. Kerber was directed to draft that proposal in time for an April 19, 2012 meeting with legislators.

C. **Counseling Services – G. Wesley Jones**

BEAP in 2012, budget maximum is \$4,000, no change.

## 5. **PUBLIC HEARING**

### A. **Proposed Rule Change – DJH&WBB 2.0 Eligibility Criteria for Health Coverage**

The proposal amends the rules and regulations regarding criteria for an active Delaware Jockey to be eligible for health insurance under the Delaware Jockey's Health and Welfare Fund by increasing the minimum number of mounts from 25 to 50.

Commission Counsel Kerber opened the record and verbatim testimony was recorded as directed by transcriptionist, Ms. Eleanor Schwandt, of Wilcox & Fetzer.

Commission Counsel Kerber opened the floor to public comments and noted no public comment was received. Executive Director Wayne reported no written comments were received.

Upon a motion duly made (Mooney) and seconded (Bessie) changes to the rules were approved as proposed. The rule will become final ten days after publication in the May 1, 2012 *Register of Regulations*. As directed by Commission Counsel Kerber, the record was closed.

Mr. Colton was granted permission not to solicit riders into the plan until the end of the racing season.

#### **The following points were discussed leading to approval.**

- If a rider has 100 mounts it doesn't matter how many out-of-town mounts they have.
- In the past, when a rider reached 25 (now 50) mounts in Delaware, they could enroll as long as the rider didn't have over 25 mounts out of Delaware.
- The problem was that a lot of riders would come in and ride their 25 mounts in Delaware and enroll in the plan and then leave to ride over 25 out-of-town mounts – and Mr. Colton would have to pull them out of the plan.
- Mr. Colton is recommending board approval that he waits until the end of the meet to make sure they're eligible and encourage them not to leave – under the 100 mounts can be problematic.
- Not a rule change just a policy change for Mr. Colton.
- Two advantages to waiting are:
  - the board has a more accurate reading of whether or not they've complied, and
  - the expense of the plan is delayed.
- Mr. Colton reported Penn National is one track he is aware of that waits until January 1<sup>st</sup> to enroll.

## 6. **ADJOURNMENT**

At 9:51 a.m., Chairman Stegemeier adjourned the meeting. The board is scheduled to meet next on October 10, 2012.